

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jean-Michel Auclair
International Application Number PCT/US04/036029
International Filing Date October 29, 2004
Priority Date under 35USC119(a): October 31, 2003
For : CARTON WITH DISPENSING FEATURE FOR CANS
Attorney's Docket : D-17048

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

PRELIMINARY AMENDMENT

This amendment is being submitted concurrently with a national stage application, under 35 U.S.C. § 371, of the above-identified PCT international application. Before examining the above national stage application, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

Amendments to the Claims

Claims 1-15 (Canceled)

16. (New) A package comprising articles arranged in two rows and a carton disposed around the articles to contain the articles, the carton comprising a series of panels for forming carton walls, an article retaining structure and an access structure, wherein a first one of said carton walls is formed from a pair of overlapping panels secured together so that the carton walls forms a tubular structure tensioned around the articles, wherein the article retaining structure is connected to the tubular structure to at least partially close one end of the tubular structure, wherein when the carton is placed on a second one of the carton walls, a lower row of the articles is in rolling contact with the second carton wall, the access structure is provided at said one end of the tubular structure such that removal of the access structure releases an upper row of the articles from restraint by said article retaining structure but maintains restraint of said lower row of the articles by the article retaining structure and such that removal of the access structure further relieves tension of the tubular structure about said articles to facilitate removal of the article from said one end of the tubular structure.

17. (New) A package as claimed in claim 16 wherein the access structure comprises a primary removable portion including a part of the first carton wall and an integral portion of a third one of the carton walls adjacent to the first carton wall.

18. (New) A package as claimed in claim 17 wherein the access structure further comprises a secondary removable portion extending from the primary removable portion towards the other end of the tubular structure.

19. (New) A tubular carton having opposed open ends, comprising a plurality of carton walls including a first wall comprising a pair of overlapping panels secured together so that the carton is tensioned around articles contained in the carton, the carton further comprising an end retention structure at each of the ends of the carton to at least partially close said each end,

wherein one of the end retention structures comprises a pair of upper and lower opposed stoppers to prevent dislodgement of the articles from a respective one of the ends of the carton, the carton further comprises a tear line defining a removable device including a primary portion and a secondary portion, the primary portion includes a part of each of the opposed stoppers, the secondary portion extends from the primary portion towards the other end retention structure, the removable device is designed such that when the primary portion is removed, access to the articles adjacent to the one retention structure can be gained while a remaining part of the each stopper substantially retains the articles, the removable device is designed such that the articles adjacent to the other retention structure are retained in the carton until the secondary portion is removed from the carton.

20. (New) A carton according to claim 19, wherein the one end retention structure further comprises a pair of side end flaps each connected to the upper and lower stoppers through a pair of gusset panels, wherein the side end flap are hingedly connected respectively to second and third opposed ones of the carton walls, each of the side end flaps being folded inwardly and lying flat with an inside surface of a respective one of the second and third carton walls, and wherein a tear line traverses one of the second and third carton walls and extends into the first carton wall to define a removable portion including one of the side end flaps and portions of the upper and lower stoppers.

21. (New) A carton according to claim 20, wherein only one of the second and third carton walls is formed with said tear line.

22. (New) A carton according to claim 20, wherein said tear line extends into a fourth one of the carton walls that is opposed to the first carton wall.

23. (New) A carton according to claim 22, wherein the end edge of each of the first and fourth carton walls adjacent to the tear line has a free section that is free of connection to the other part of the carton and wherein the tear line extends to the free section of each of the first and fourth carton walls.

24. (New) A tubular carton having opposed open ends, comprising a plurality of carton walls including a first wall comprising a pair of overlapping panels secured together so that the carton is tensioned around articles contained in the carton, the carton further comprising an end retention structure at each of the ends of the carton to at least partially close said each end, wherein one of the end retention structures comprises a pair of upper and lower opposed stoppers to prevent dislodgement of the articles from a respective one of the ends of the carton, the carton further comprises a tear line defining a removable device.

25. (New) A carton according to claim 24, wherein each of the opposed stoppers is hingedly connected to an anchor flap, the anchor flap being hingedly connected to an adjacent end edge of a second one of the carton wall and disposed in a flat face contacting relationship with an inside surface of the second carton wall, one of the opposed stoppers being hingedly connected to the first carton wall and extending toward the other stopper, and the anchor flap being provided with a pair of gusset panels hingedly interconnecting the anchor flap respectively with the opposed stoppers.

26. (New) A carton according to claim 24, wherein each of the opposed stoppers comprises a stopper flap, the stopper flap of one of the opposed stoppers is hingedly connected to an adjacent end edge of the first carton wall and extends away from the first carton wall, a pair of anchor flaps are hingedly connected to second and third opposed ones of the carton walls respectively and folded in flat face contacting relationship with inside surfaces of the second and third carton walls respectively, the stopper flap of the other stopper is hingedly connected to an adjacent end edge of a fourth one of the carton walls and extends from said fourth carton wall toward the first carton wall, and each of the anchor flaps is provided with a pair of gusset panels hingedly interconnecting the each anchor flap with the stopper flaps.

27. (New) A carton according to claim 24, wherein the one end retention structure further comprises a pair of side end flaps hingedly connected to second and third ones of the carton walls respectively, each of the side end flaps is hingedly connected to the opposed stoppers through a

pair of gusset panels, wherein the each side end flap is folded inwardly and lying flat with an inside surface of a respective one of the second and third carton walls, and said tear line traverses one of the second and third carton walls and extends into the first carton wall to define a removable portion including one of the side end flaps and portions of the opposed stoppers.

28. (New) A carton according to claim 27, wherein an end edge of the first carton wall adjacent the tear line has a free section that is free of connection to the other part of the carton, and wherein the tear line extends to the free section of the adjacent end edge of the first carton wall.

29. (New) A carton according to claim 24, wherein the carton is in the form of a wraparound carton.

REMARKS

This amendment is being submitted concurrently with a TRANSMITTAL LETTER TO THE DO/EO/US CONCERNING A SUBMISSION UNDER 35 USC 371 which may be submitted on or before May 1, 2006.

By means of the amendment, a set of new claims 16 to 29 have been submitted to replace the currently pending claims 1-15 that have been canceled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tsugihiko Suzuki', written over a horizontal line.

Tsugihiko Suzuki, Reg. No. 36,321

Date: April 28, 2006

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